

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Tribal Welfare Department – Appeal Petition filed by Sri Bollam Sampath S/o B.Kanakaiah, R/O Kondapalakala(V), Manakondur (M), Karimnagar District, against the Proceedings No.C4/5205/1999, dated: 11.11.2004 of the Collector, Karimnagar District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition rejected – Orders Issued.

SOCIAL WELFARE (CV-2) DEPARTMENT

GO.Ms.No. 24
2013.

Dated:21-05-

Read the
following:

1. Proceedings of the District Collector, Karimnagar, C4/5205/1999, dated 11.11.2004.
2. Appeal Petition filed by Sri Bollam Sampath S/o B. Kanakaiah, R/O Kondapalakala (V), Manakondur (M), Karimnagar District, dated 03.01.2005.
3. Govt. Memo No. 392/CV.2/2005, dated 02.02.2005.
4. From the District Collector, Karimnagar, Lr.No. C4/5205/1999, dated:21.03.2005.
5. From the Orders of APHC, Hyderabad in WPNo.5994 of 2005, dated:28.04.2005.
6. Govt. Memo No. 392/CV.2/2005, SW(CV2) Dept, dated :01.08.2006
7. Govt. Memo No. 392/CV.2/2005, SW(CV2) Dept, dated :16.07.2007
8. Govt. Memo No. 392/CV.2/2005, SW(CV2) Dept, dated :01.08.2007
9. Govt. Memo No. 392/CV.2/2005, SW(CV2) Dept, dated :20.08.2007
10. Govt. Memo No. 392/CV.2/2005, SW(CV2) Dept, dated :01.09.2007
11. Govt. Memo No. 392/CV.2/2005, SW(CV2) Dept, dated :06.11.2007
12. Govt. Memo No. 392/CV.2/2005, SW(CV2) Dept, dated :18.03.2008 and reminders thereon.
13. From the CSW,AP,Hyderabad Lr.Rc.No. 784/2008/TRI/VC-3, dated 24.11.2009.
14. Govt. Memo No. 392/CV.2/2005, SW(CV2) Dept, dated :20.10.2012
15. Govt. Memo No. 392/CV.2/2005, SW(CV2) Dept, dated :16.01.2013
16. Govt. Memo No. 392/CV.2/2005, SW(CV2) Dept, dated :16.04.2013
17. Written Arguments dated: 22.01.2013 and 26.04.2013 filed by the counsel for the Appellant before the Government.

ORDER:

In the reference 1st read above the District Collector, Karimnagar has issued Proceedings canceling Scheduled Tribe Lambada Caste Certificate of Sri Bollam Sampath S/o.B.Kanakaiah, R/O Kondapalakala(V), Manakondur (M), Karimnagar District, obtained from the then Tahsildar, Manakondur.

2. In the reference 2nd read above, Sri Bollam Sampath S/o B.Kanakaiah, has filed Appeal Petition before the Government against the Proceedings of the District Collector, Karimnagar. After examining the said Appeal Petition Government have admitted the Appeal Petition and stay orders as requested by the applicant were rejected on the Proceedings of the District Collector, Karimnagar and called for the parawise remarks and connected records from the District Collector, Karimnagar in the reference 3rd read above.

[p.t.o...]

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3. In the reference 4th read above, the District Collector, Karimnagar has furnished the parawise remarks and original connected records of Sri Bollam Sampath S/o B.Kanakaiah.

4. In the reference 5th read above, Sri Bollam Sampath S/o B.Kanakaiah, has filed Writ Petition No. 5994 of 2005 against the Memo.No.392/CV.2/2005-1, dated:02.02.2005 wherein the stay on the Proceedings of the District Collector, Karimnagar, prayed by him has been rejected by the Government. The Hon'ble High Court of AP while dispose the said WP on 28.4.2005 has passed the following orders that there shall be stay of the proceedings dated 11.11.2004 of the 1st respondent (District Collector) during the pendency of the appeal before the 2nd respondent.(Secretary to Government TW Department)

5. The said Appeal Petition has been posted for hearing on 05.08.2006, 23.07.2007, 16.08.2007, 31.08.2007, and 17.09.2007 and the same has been informed to the appellant, counsel for the appellant, with a request to attend the hearing of the case with all documentary evidences/ certificates in favour of his community claim in the references 6th, 7th, 8th, 9th, and 10th read above. The appellant, counsel for the appellant was present and adjourned the case, however, in the reference 11th read above, the case was heard on 20.11.2007 and the appellant, counsel for the appellant was present and argue the case submitted documents in support of his claim and the Appellate Authority has opined that certain information has been called for on the papers submitted by the appellant.

6. In the reference 12th read above, the Director, TCR & TI, AP, Hyderabad was requested to conduct detailed enquiry on the documents submitted by the appellant in support of the ST claim of Sri Bollam Sampath S/o B.Kanakaiah.(Appellant)

7. In the reference 13th read above, the Commissioner of Tribal Welfare, Hyderabad has furnished the enquiry report on the documents submitted by Sri Bollam Sampath S/o. B.Kanakaiah. Government has examined the said enquiry report.

8. The said Appeal Petition has been posted for hearing on 30.10.2012, 21.01.2013, finally on 27.04.2013 the same has been informed to the appellant and requested to attend the above hearings with all documentary evidences/ certificates in favour of his community claim, in the references 14th, 15th and 16th read above. The Appellant, counsel for the Appellant was present and argued the case and explained his community status and filed written arguments before the Appellate Authority in support of his community claim in the reference 17th read above.

9. After examination of records / written arguments / the copies of evidences/academic record/ written arguments produced by the Appellant and the material papers/Citations of the Hon'ble Courts made available in the file and proceedings of the District Collector, Karimnagar, dated:11.11.2004, it is observed that no fresh grounds have been educed by the Appellant and his claim as ST (Lambada) is not supported by the authenticated documents such as acceptance of Community elders / ST Caste Certificates of the Appellants father and forefathers / marital relations with Lambada community. The field reports says that the Appellant does not belong to Lambada Community but belong to Gouda. The School / academic records have no authenticity as per the rules.

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10. The Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, hereby opined that Proceedings of the District Collector, Karimnagar canceling the ST (Lambada) caste certificate of the Appellant Sri Bollam Sampath S/o B. Kanakaiah is well in accordance with the rules in vogue. Hence, Proceedings of the District Collector, Karimnagar issued vide No.C4/5205/1999, dated: 11.11.2004 is hereby upheld and the Appeal Petition of Sri Bollam Sampath S/o B.Kanakaiah is hereby rejected and the Certificate issued by the M.R.O., Manakondur deemed to be cancelled.

11. The District Collector, Karimnagar shall take necessary consequential action in the matter.

12. The records (containing No. C4/5205/1999 Pp 01 to 16 NF and 01 to 357 CF received from the District Collector, Karimnagar, through reference 4th read above, are returned herewith in original to the District Collector, Karimnagar and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT(TW)

To
The District Collector, Karimnagar (BYRPAD) (w.e)
(With original records)

Sri Bollam Sampath S/o B. Kanakaiah,

R/O Kondapalkala (V), Manakondur (M), Karimnagar District

Sri M.Ram Mahon Reddy, Advocate to the Appellant
Flat 402, Shatabdi Nilayam, Bank of Baroda Colony,
New Bakaram, Gandhi Nagar, Hyderabad – 80.

Copy to:

The Commissioner of Tribal Welfare, AP, Hyderabad.

The P.S. to Minister (TW)

The P.S. to Principal Secretary (TW)

The Director, TCR &TI, AP., Hyderabad.

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER